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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

KAREN RICHARDS O/B/O
M.M.

Plaintiff,

vs.

MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL
SECURITY

Defendant.

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HONORABLE KATHARINE S. HAYDEN

CIVIL ACTION NO. 07-3891

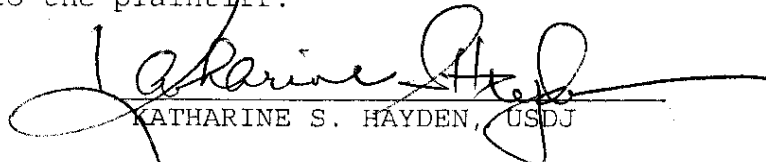
O R D E R

This matter having come before the Court on oral argument on September 26, 2008 and the Court having reviewed the submissions and heard argument from Langton & Alter, attorneys for the plaintiff (Abraham S. Alter, Esquire) and from the Commissioner of Social Security (Sandra Grossfeld, Esquire) appearing, and the Court having been persuaded that (1) there is no substantial evidence supporting the decision of the Commissioner's ALJ (Richard L. Desteno, ALJ); and (2) that substantial evidence exists in the record to an overwhelming degree to support a finding of disability on account of the fact that the infant plaintiff herein manifests marked limitations in three of the six domains of ~~human growth~~ *functioning*.

namely, a) acquiring and using information; b) attending and completing tasks; and c) interacting with others^{*} and thus evidences an impairment which is functionally equivalent to the Commissioner's Listing of Impairments, it is on this

29th day of September, 2008

O R D E R E D (1) that this matter be reversed; (2) that the infant plaintiff, M.M. be hereby adjudicated to be disabled within the meaning of the Social Security Act and that; (3) this matter be remanded to the Commissioner of Social Security for the sole purpose of calculating and distributing child's benefits under SSI to be payable to the plaintiff.


KATHARINE S. HAYDEN, USDJ

* The Court's oral decision specified "acquiring & using information" & "attending & completing tasks." However, the record evidence cited by the Court supports a finding that MM manifests marked limitations in the domain of interacting with others (examples: psychologist's direct observations of MM in class; MM's mother's undisputed reports of MM's behavior in home & recreational settings, and both school & home-based reports of his inability to respond to 1 on 1 & group instruction; school suspensions for fighting; ALJ's finding that positive interaction is limited to those occasions when MM was "tested," as opposed to taught).